

## 1784 Convention between His Most Christian Majesty and the thirteen United States of North America

[ *Note.* The passages of the Convention of 1784, which are not in that of 1788, are printed in italics: those of 1788 which were not in that of 1784, are in a small character.

**1784.**

**CONVENTION** between His most Christian Majesty and the *thirteen* United States of *North America*, for the purpose of determining and fixing the functions and prerogatives of their respective Consuls, vice-Consuls, *Agents and Commissaries*.

His Majesty the most Christian King and the *thirteen* United States of *North America*, having by the 29th article of the Treaty of amity and commerce concluded between them, mutually granted the liberty of having in their respective States and Ports, Consuls, vice Consuls, *Agents and Commissaries* and being willing in consequence thereof, to determine and fix in a reciprocal and permanent manner the functions and prerogatives of the said Consuls, vice-Consuls, *Agents and Commissaries*, His M. C. Majesty has nominated the Sieur Charles Gravier, Count of Vergennes, Baron of Welferding &c., Counsellor of the King in all his Councils, Commander of his Orders, Counsellor of the State of the Sword, Minister and Secretary of State, and of his Commands and Finances; and the United States the Sieur Benjamin Franklin, their Minister Plenipotentiary to His most Christian Majesty, who after having communicated to each other their respective full powers, agreed upon what follows:

ART. I. The Consuls and vice-Consuls nominated by H. M. C. M. and the U. S. shall be bound to present their commissions *on their arrival in the respective States, according to the form which shall be there established*. There shall be delivered to them without any charges the 2 Exequatur necessary for the exercise of their functions; and on the

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exhibition they shall make of the said Exequatur, the Governors, Commanders, Heads of justice, public bodies, Tribunals and other Officers having authority in the ports and places of their consulates, shall cause them to enjoy as soon as possible, and without difficulty, the preeminencies, authority and privileges reciprocally granted, without exacting from the said Consuls and vice-Consuls any duty, under any pretext whatever.

ART. 4. The Consuls and vice-Consuls, *the Officers of the consulate and in general all persons attached to the consular functions*, shall enjoy respectively a full and entire immunity for *their persons their papers, and their houses*. *The list of the said persons shall be approved and inspected by the executive power of the place of their residence*. They shall be exempt from all personal service *and public officers*, from soldiers billets, militia, watch, guard, guardianship and trustee-ship, as well as from all duties, taxes, impositions and charges whatsoever, except the real estates of which they may be proprietors, which shall be subject to the taxes imposed on the estates of all other individuals.

They shall place, over the outward door of their house, the arms of their Sovereign, without that this mark of distinction shall give to the said house the right of asylum *for any malefactor or criminal, so that in case it should happen that any malefactor or criminal takes refuge there, he shall be instantly delivered up, on the first requisition, and without difficulty*.

ART. 2. *The respective Consuls shall have power to establish vice-Consuls in the different ports and places of their departments where necessity shall require. There shall be delivered to them likewise the Exequatur necessary to the exercise of their functions in the form pointed out by the preceding article (I) and, on the exhibition which they shall make of the said Exequatur, they shall be admitted and acknowledged, in the terms and according to the powers, authority and privileges stipulated by the 1st. 4th. and 5th. articles of the present Convention.*

ART. 3. The respective Consuls and vice-Consuls may establish Agents in the different ports and places of their departments where necessity shall require. These Agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said Consuls: it shall be their business respectively to render to their respective merchants, navigators and vessels all possible service, and to inform the nearest Consul or *vice-Consul* of the wants of the said merchants, navigators and vessels, without the said Agents otherwise participating in the immunities, rights and privileges attributed to the Consuls and vice-Consuls, and without power to exact from the said merchants any duty or emolument whatever, under any pretext whatsoever.

ART. 5. *Generally in all cases whatever, which concern the police or administration of justice, where it may be necessary to have a juridical declaration from the said Consuls and vice-Consuls respectively, the Governors, Commandants, chief Justice, public bodies, tribunals or other Officers whatever of their respective residence there having authority, shall be bound to inform them of it, by writing to them, or sending to them a military or civil Officer to let them know, either the object which is proposed, or the necessity there is for going to them to demand from them this declaration, and the said Consuls and vice-Consuls shall be bound on their part to comply faithfully with what shall be desired of them on these occasions.*

ART. 6. The Consuls and vice-Consuls respectively may establish a chancery where shall be deposited the Consular acts and deliberations, all effects left by deceased persons, or saved from shipwreck, as well as testaments, obligations, contracts and in general all the acts and proceedings done between, or by persons of their nation.

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They may in consequence appoint for the business of the said chancery capable persons, receive them, administer an oath to them, give to them the keeping of the seal, and the

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right of sealing commissions, judgments and other acts of the consulate, as well as there to discharge the functions of notaries and registers.

ART. 7. The Consuls and vice-Consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all the other acts, which the captains, masters, seamen, passengers, and merchants of their nation would make there, even their testaments and other dispositions of last will; and the copies of the said acts, duly authenticated by the said Consuls or vice-Consuls, and under the seal of their consulate, shall receive faith in law in all the tribunals of *France* and the United States.

They shall have also, and exclusively the right to inventory, liquidate, and proceed to the sale of the moveable effects of the estates left by subjects of their nation, who shall die within the extent of their consulate: they shall proceed therein with the assistance of two merchants of their said nation, of their own choosing, and shall deposit in their chancery the effects and papers of the said estates; and no officer military or civil, or of the police of the country, shall trouble them or interfere therein, in any manner whatsoever: but the said Consuls and vice-Consuls shall not deliver up the same and their product to the lawful heirs or their attornies, until they shall have discharged all the debts which the deceased shall have contracted in the country *by judgment, by acts or by notes, the writing and signing of which shall be known and certified by two principal merchants of the nation of the said deceased: and in all other cases* the payment of debts cannot be ordered but on the creditors giving sufficient and local security to repay the sums unduly received, principal, interest and costs; which securities however shall remain duly discharged after a year in time of peace, and two years in time of war, if the demand in discharge cannot be formed before these delays against the heirs which shall present themselves.

ART. 8. The respective Consuls and vice-Consuls shall receive the declarations, consulates and other consular acts from all Captains and masters of their respective nation on account of average losses sustained at sea *by leakage or throwing merchandise*

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over board and these Captains and masters shall leave in the chancery of the said Consuls and vice Consuls the consulates and other consular acts which they may have had made in other ports, on account of the accidents which may have happened to them on their voyage. If a subject of his M. C. M. and a citizen of the U. S. are interested in the said cargo, the average shall be fixed by the Tribunals of the country, and not by the Consuls or Vice-Consuls: *and the Tribunals shall admit the acts and declarations, if any should have been passed before the said Consuls and Vice-Consuls:* but when only the subjects of their own nation, *or foreigners* shall be interested, the respective Consuls or vice Consuls *and in case of their absence or distance their agents furnished with their commission* shall officially nominate skilful persons *of their said nation* to regulate the damages and averages.

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ART. 9. In case by storms or other accidents, French ships or vessels shall run ashore on the coasts of the U. S. and the ships and vessels of the U. S. shall run a shore on the coasts of *France*, the Consul or vice-Consul nearest to the place of shipwreck, shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appartunances, as for the storing and security of the effects and merchandise saved. He may take an inventory, without any officers military, of the custom house, justices or the police of the country interfering, otherwise than to facilitate to the Consuls, vice-Consuls, captain, and crew of the vessel shipwrecked or run a shore, all the assistance and favour which they shall ask, either for the celerity and security of the salvage and effects saved, or to prevent all disturbances.

To prevent even any kind of dispute and discussion in the said cases of shipwreck, it has been agreed, that where no Consul or vice-Consul shall be found to attend to the salvage, or that the residence of the said Consul or vice-Consul (he not being at the place of shipwreck) shall be further distant from the said place than that of the competent territorial Judge, the latter shall immediately there proceed therein with all the celerity, safety and precautions prescribed, by the respective laws; but the said territorial Judge shall retire

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on the coming of the Consul or vice-Consul and shall resign to him the procedures by him done, the expences of which the Consul or vice-Consul shall cause to be reimbursed to him.

The merchandise and effects saved shall be deposited in the custom house, or other nearest place of safety, with the inventory of them, which shall be made by the Consul or vice-Consul, or, in their absence, by the Judge who shall have had cognisance thereof, and the said merchandises and effects shall be 7 afterwards delivered, after levying therefrom the costs, and without form of process, to the proprietors, who, being furnished with a replevy from the nearest Consul or vice-Consul, shall reclaim them by themselves, or by their attornies, either for the purpose of reexporting the merchandises, and in that case they shall pay no kind of duties of exportation; or for the purpose of selling them in the Country, if they are not prohibited, and in this latter case, the said merchandises being averaged, there shall be granted them an abatement of the entrance duties proportioned to the damage sustained, which shall be ascertained by the verbal process formed at the time of the shipwreck, or of the vessels running ashore.

Art. 10. The Consuls and vice-Consuls shall have on board of the vessels of their respective Nations, full power and Jurisdiction in Matters, Civil. *They shall cause to be executed the respective laws, Ordinances and rules concerning Navigation, on board the said vessels,* And for this purpose they shall go there without being interrupted by any Officer or other person whatsoever.

*They may cause to be arrested every vessel carrying the flag of their respective Nation; they may sequester them and even send them back respectively from the U. S. to France, or from France to the U. S.* They may cause to be arrested, without difficulty, every Captain, Master, Sailor or passenger of their said respective Nation, *they may cause to be arrested, or detained in the Country, the Sailors and deserters of their respective Nations,* or send them back or transport them out of the Country.

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*It shall be sufficient proof that the Sailors and deserters belong to one of the respective Nations, 8 that their names be written in the ship's register, or inserted in the roll of the crew.*

One and the other of these proofs concerning Sailors and Deserters being thus given *no Tribunals, Judges, and Officers whatsoever, shall in any manner whatever take cognisance of the complaints which the said Sailors and deserters may make, but they shall on the contrary be delivered up on an order signed by the Consul or vice-Consul, without its being in any one's power in any manner to detain, engage, or withdraw them. And to attain to the complete execution of the arrangements contained in this article all persons having authority shall be bound to assist the said Consuls or vice-Consuls, and on a simple requisition signed by them, they shall cause to be detained and guarded in prison at the disposal and expence of the said Consuls and vice-Consuls the said Sailors and deserters until they shall have an opportunity to send them out of the Country.*

Art. 11. In cases where the respective subjects shall have committed any crime, they shall be amenable to the Judges of the Country.

Art. 12. All differences and suits between the subjects of His. M. C. M. settled in the U. S. or between the citizens *and subjects* of the U. S. settled in *France, and all differences and suits concerning Commerce, between the subjects 9 of His M. C. M. and one of the parties residing in France or else where, and the other in the U. S. or between the citizens and subjects of the U.S. one of the parties residing in the U. S. or elsewhere, and the other in France* shall be determined by the respective Consuls, either by a reference to arbitration, or by a summary judgment and without costs.

No Officer Civil or Military, shall interfere or take any part whatever in the affair: appeals shall be carried before the Tribunals of France or the U. S. to whom it may appertain to take cognisance thereof. *The Consuls or Vice-Consuls shall not take cognisance of disputes or differences, which shall arise betwixt a subject of His M. C. M. and a citizen*



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*of the U. S. but the said disputes shall be brought before the Tribunals to which the defendant shall be amenable.*

Art. 13. The general utility of Commerce having caused to be established *in France* Tribunals & particular forms to accelerate the decision of commercial affairs, the Merchants of the U. S. shall enjoy the benefit of these establishments *in France* and the Congress of the U. S. shall *recommend to the Legislatures of the different States to provide* equivalent advantages in favour of the French Merchants, for the prompt dispatch and decision of affairs of the same nature.

Art. 14. The subjects of his M. C. M. and *those* of the U. S. who shall prove that they belong to the body of their respective Nations *by the certificate of the Consul or vice-Consul of the District, mentioning their names, surnames and place of their settlement, as inscribed in the registers of the consulate, shall not lose, for any cause whatever, in the respective Domains and States, the quality of subjects of the Country of which they originally were, conformably to the 11th. article of the treaty of amity and commerce of the 6th. of February 1778, of which the present article shall serve as an interpretation in case of necessity, and the said subjects respectively* shall enjoy in consequence exemption from all personal service in the place of their settlement.

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Art. 15. If any other Nation acquires, by virtue of any convention whatever *either in France or in the U. S.* a treatment more favourable with respect to the consular pre-eminencies, powers, authority and privileges, the Consuls, vice-Consuls *and Agents* of His M. C. M. or the U. S. reciprocally shall participate therein, agreeable to the terms stipulated by the 2d. 3d. and 4th. articles of the treaty of amity and commerce, concluded between His M. C. M. and the U. S.

Art. 16. The ratification of the present convention shall be given in proper form, and exchanged on both sides within the space of six months or sooner if possible.



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In faith whereof we the under-written Ministers plenipotentiaries of his most Christian Majesty and the United States of North America have signed the present convention and have thereto affixed the seal of our arms.

Done at Versailles, the 29th. July one Thousand seven hundred and eighty four. Signed Gravier de Vergennes. L.S. B. Franklin. L. S.

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Convention with France Relative to Consuls agreed to